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Filing date: **05/28/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92053802
Party	Plaintiff Education Resources, LLC
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Submission	Motion to Amend Pleading/Amended Pleading
Filer's Name	SYLVIA MULHOLLAND
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Signature	/Sylvia Mulholland/
Date	05/28/2011
Attachments	star shine amended.pdf (3 pages)(878202 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Registration No. 2147129
Mark: STAR SHINE THEATER MUSIC IN
OUR HEARTS! & Design

Issued: March 3, 1998

Education Resources, LLC

Petitioner

vs.

Patricia Green Budwig

Registrant

AMENDED PETITION FOR CANCELLATION

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:

Education Resources, LLC ("Petitioner"), having a principal place of business at 2801 N. 31st Street, Phoenix, Arizona 85008, believes that it is damaged by Registration No. 2147129, and hereby petitions to cancel the same under the provisions of 15 U.S.C §1064 (3).

As grounds for cancellation, Petitioner asserts that:

1. Petitioner is an Arizona Limited Liability Company which operates a number of charter schools under the trade name and trademark STARSHINE ACADEMY and under the trademark STARSHINE ACADEMY & Design in the United States and Africa.

2. To the best of Petitioner's knowledge, Patricia Green Budwig ("Registrant") is an individual having a principal place of business at 8540 Georgetown Pike, McLean, VA 22102.

3. Petitioner believes it will be damaged by the STAR SHINE THEATER MUSIC IN OUR HEARTS! & Design registration because Petitioner's trademark application for STARSHINE ACADEMY & Design, as Application No. 77/866361, in International Class 41, for "providing courses of instruction for students at the elementary, middle school levels and high school levels in the fields of mathematics, history, language arts and other subject matters, within charter school levels K-12", has been refused by the USPTO Examining Attorney, on the basis that Petitioner's Mark is confusing with Registrant's STAR SHINE THEATER MUSIC IN OUR HEARTS! & Design Mark.

Basis for cancellation-Abandonment

4. Upon information and belief, Registrant is not currently offering educational services or entertainment services under the STAR SHINE THEATER MUSIC IN OUR HEARTS! & Design Mark and has not offered such services under the trademark for a period of at least three consecutive years.

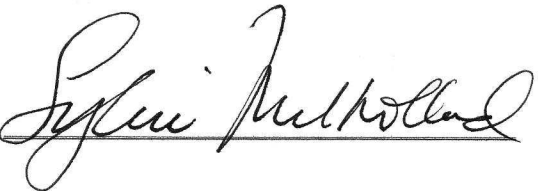
5. Upon information and belief, Registrant has no intention of resuming use of the trademark STAR SHINE THEATRE MUSIC IN OUR HEARTS! & Design.

6. Registrant has abandoned the STAR SHINE THEATER MUSIC IN OUR HEARTS! & Design Mark.

WHEREFORE, Petitioner prays that Registration No. 2147129 be canceled pursuant to 15 U.S.C §1064 (3) because the STARSHINE THEATER MUSIC IN OUR HEARTS! & Design Mark has been abandoned by Registrant, Patricia Green Budwig.

Dated: May 28, 2011


Respectfully submitted,

By 

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Resources, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Petition for Cancellation was served upon Registrant by mailing same via First Class Mail, postage prepaid, to Patricia Green Budwig, at 8540 Georgetown Pike, McLean, VA 22102, this 28th day of May, 2011.


Sylvia Mulholland